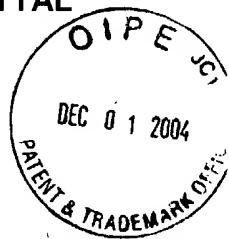


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RCE

**REQUEST FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Application Number: 09/457,926	Confirmation Number: 8221
• Filing Date: December 8, 1999	
First Named Inventor: Burton G. CHRISTENSEN	
Group Art Unit: 1639	
Examiner: M. Shibuya	DEC 6 - 2004
Attorney Docket Number: 09210.0004	RECEIVED 10012900
Attorney Customer Number: 22,852	

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

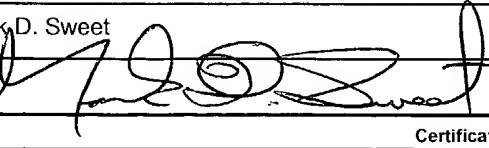
1. **Submission required under 37 C.F.R. § 1.114:** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, application must request non-entry of such amendment.
 - a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. Consider the Amendment and arguments previously filed on September 22, 2004.
 - ii. Other _____
 - b. Enclosed:

i. <input type="checkbox"/> Amendment/Reply	iii. <input checked="" type="checkbox"/> Information Disclosure Statement
ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)	iv. <input type="checkbox"/> Other _____
2. **Miscellaneous**
 - a. Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of [number] months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
 - b. Other _____
3. **Fees**
 - a. The filing fee is calculated as follows:
 - i. \$790.00 RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Petition for extension of time for ([number] Months) \$[Fee]
 - iii. Other _____
 - b. Check in the amount of \$790.00 is enclosed.
 - c. The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

Signature of Applicant, Attorney, or Agent Required

Name: Mark D. Sweet

Reg. No.: 41,469

Signature: 

Date: December 1, 2004

Certificate of Mailing or Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, MAIL STOP RCE, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name: _____

Signature: _____

Date: _____



PATENT
Customer No. 22,852
Attorney Docket No. 09210.0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Burton G. CHRISTENSEN et al.) Group Art Unit: 1639 DEC 6 - 2004
Application No.: 09/457,926) Examiner: M. Shibuya EXAMINER 1600/2900
Filed: December 8, 1999)
For: NOVEL ANTIBACTERIAL) Confirmation No.: 8221
AGENTS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document on the attached listing. This Information Disclosure Statement is being filed together with the filing of a Request for Continued Examination in the above-referenced application.

A copy of the U.S. patent is not enclosed. Applicants respectfully request that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claim in the application and Applicants determine that the cited document

does not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 1, 2004

By: 

Mark D. Sweet
Reg. No. 41,469

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				<div style="text-align: right; margin-right: 10px;">O I P E J C T A</div> <div style="text-align: right; margin-right: 10px;">DEC 01 2004</div> <div style="text-align: right; margin-right: 10px;">ENT & TRADEMARK OFFICE</div>	
(Use as many sheets as necessary)					
Sheet	1	of	1	Attorney Docket Number	

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.